EXHIBIT A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Janne Hyotylainen		
SERIAL NO.:	09/553,663	ART UNIT:	2642
FILING DATE:	April 21, 2000	EXAMINER:	Jack Chiang
TITLE:	WIRELESS COMMUNICATION DEVICE		
ATTORNEY DOCKET NO.:	460-009386-US(PAR)		

Commissioner of Patents
Washington, D.C. 20231

RESPONSE

Sir:

This is in response to the Office Action mailed June 25, 2002 (Paper No. 5) in regard to the above-identified patent application. Reconsideration of the rejection of the claims is respectfully solicited in light of the following amendment and remarks.

AMENDMENT

Please amend the Application as follows, a copy of the amended claims with the amendments highlighted is attached as Appendix A:

IN THE CLAIMS:

Please amend the following claim(s) as rewritten below:

1. (Amended) A wireless communication device comprising:

- a display having a display field for presenting information;

- means for performing key functions comprising a first part and a second part, said first part of said means for performing key functions being for performing at least functions associated with number keys;

- an electro-acoustic transducer;

- a housing comprising at least a first end, a second end, and a front panel located between the first and second ends, said display and said means for performing key functions being situated in connection with said front panel;

- a cover part attached to said housing arranged for movement between a first limit position and a second limit position, in which first limit position at least the first part of said means for performing key functions is covered by the cover part and the display field of the display remains uncovered by the cover part, and in which second limit position both the first part and the second part of said means for performing key functions and the display field of the display are uncovered by the cover part;

- said display, said means for performing key functions and said electro-acoustic transducer being located in the wireless communication device with respect to each other such that the display is nearer the first end of the housing than said means for performing key functions and said electro-acoustic transducer, and that said first and said second parts of said means for performing key functions are located such that the second part of said means for performing key

functions is nearer the first end of the housing than the first part of said means for performing key functions.

Cancel claims 2 and 3.

4. (Twice Amended) A wireless communication device according to claim 1, wherein the electro-acoustic transducer is located in connection with said cover part.

5. (Twice Amended) A wireless communication device according to claim 1, comprising an acousto-electric transducer (5).

6. (Twice Amended) A wireless communication device according to claim 1, wherein said cover part is arranged to be slideable between the first limit position and the second limit position.

Cancel claim 7 - 9.

10. (Twice Amended) A wireless communication device according to claim 1, wherein in the first limit position said cover part is arranged to cover said first part of said means for performing key functions and at least part of said second part of said means for performing key functions remains uncovered.

11. (Twice Amended) A wireless communication device according to claim 1, comprising means for detecting the position of the cover part and for providing information about the position of the cover part.

12. (Amended) A wireless communication device according to claim 11, comprising means for using the information regarding the position of the cover part provided by said means for detecting the position of the cover part in answering a call.

13. (Twice Amended) A wireless communication device according to claim 11, comprising means for using the information regarding the position of the cover part provided by said means for detecting the position of the cover part in terminating a call.

14. (Twice Amended) A wireless communication device according to claim 1, wherein said means for performing key functions comprise a touch-sensitive screen.

15. (Amended) A wireless communication device according to claim 14, wherein said touch-sensitive screen is combined with said display.

16. (Amended) A wireless communication device according to claim 14, wherein said touch-sensitive screen and said display are partly overlapping.

17. (New) A wireless communication device according to claim 5, wherein said acousto-electric transducer is located close to the first end of the housing.

18. (New) A wireless communication device according to claim 1, wherein the cover part is a flap arranged to be pivoted between the first limit position and the second limit position.

19. (New) A wireless communication device according to claim 1, wherein in the first limit position said cover part is arranged to cover said first part of said means for performing key functions and all of said second part of said means for performing key functions remains uncovered.

20. (New) A wireless communication device according to claim 1, wherein said means for performing key functions comprise push-button keys.

21. (New) A wireless communication device according to claim 1, wherein the second part of said means for performing key functions are for performing at least control functions.

22. (New) A wireless communication device according to claim 1, wherein the first part of said means for performing key functions has a text mode of operation for writing text.

23. (New) A wireless communication device according to claim 1, wherein information displayed on the display field is shown in a position and orientation natural to the user, enabling it to be interpreted in a conventional manner.

24. (New) A wireless communication device according to claim 1, wherein the cover part provides a key-lock function.

25. (New) A wireless communication device according to claim 24, wherein the key-lock function includes means for disablement of an uncovered part of the means for performing key functions.

REMARKS

Status of the Claims

Applicant has cancelled claims 2,3, and 7-9, amended claims 1,4-6, and 10-16, and added new claims 17-24. Amended claims 1, 4-6, 10-16 and 11 are amended and new claims 17-24 are presented for consideration.

The rejection under 35USC112 is believed to be fully met by the amendments submitted above.

Prior claim 1 was rejected under 35USC102(e) based on the cited reference Jacobsen, et al, US Patent No. 6,073,034. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following arguments.

Discussion of the Cited References

The invention disclosed in US 6,073,034 relates to a micro-display system that utilises a small high resolution active matrix liquid crystal display with an illumination system and a magnifying optical system to provide a hand held communication display device. The system can employ an LED illumination system and cellular communication or processor circuits within a compact housing to provide communication devices such as pagers, telephones, televisions, and hand held computer or card reader devices with a compact high resolution data and / or video display.

The vast majority of the technical description of US 6,073,034 provides teachings relating to the implementation of the micro-display system itself, the layout and structure of the liquid

crystal display, the optical system and various examples of devices in which such a micro-display can be used. As such, most of the technical description is not relevant to the present invention.

However, Figure 8, and the associated portion of text in column 12, between lines 25 and 35 does disclose a cellular telephone having a magnified micro-display in which the micro-display is incorporated in a base portion of a "flip-phone", together with the keypad and the microphone. The speaker, as well as possible additional circuitry is included in a second portion (the "flip") that rotates relative to the base portion of the telephone. The Examiner equates the flip-phone disclosed in US 6,073,034 with the wireless communication device claimed in the present invention and therefore rejects the claims as filed under 35 U.S.C. 102.

In order to overcome this rejection, the claims have now been amended to better reflect the novel and inventive aspects of the present invention. Referring to Figure 8 of US 6,073,034, it can be seen, that the flip-phone it discloses is arranged in such a way that the display is located towards the "bottom" of the base portion (the "first end of the housing" in the terms of the claim language used in the present application). The flip-phone of Figure 8 also comprises a number of keys associated with the front panel of the base portion, which would appear to be divided into two groups. However, no text describing the functionality of the keys is provided and so the notional division of the keys into two groups can only be based on visual interpretation of Figure 8, which provides no teaching on the functionality of the supposed two groups of keys. The claim language of the present application, as amended in response to

the present Official Action, refers to **"means for performing key functions, comprising a first part and a second part, said first part of said means for performing key functions being for performing at least functions associated with number keys"**. Thus, the claim language describes an explicit division of functionality between the two parts of the means for performing key functions.

It further states that the cover part according to the present invention, which is **"movable between a first limit position and a second limit position", is arranged in such a way that, "in the first limit position at least the first part of said means for performing key functions is covered by the cover part and the display field of the display remains uncovered by the cover part, and in the second limit position both the first part and the second part of said means for performing key functions and the display field of the display are uncovered by the cover part"**.

This feature is not disclosed by Figure 8 of US 6,073,034. Specifically, the flip-phone shown in Figure 8 comprise a flip which, in its first limit position (i.e. when closed) covers both groups of keys and the display. In its second limit position (open) it does not cover the keys and the display. The feature of the present invention, whereby in the first limit position **"at least the first part of said means for performing key functions is covered by the cover part and the display field of the display remains uncovered by the cover part"** provides particular technical advantages. First of all, it enables the display field to be viewed while the cover part is in its first limit position (closed) and therefore obviates the possible need for a second display for the viewing of information while the

cover part is in the first limit position. The flip-phone shown in Figure 8 of US 6,073,034 does not allow information presented on the display to be viewed while the cover part is in its first limit position.

Secondly, in an embodiment of the present invention such as that shown in Figures 4a and 4b of this application, where part or all of the second part of the means for performing key functions is uncovered in the first limit position of the cover part, the user may access the second part of the means for performing key functions while the cover part is in the first limit position. This feature is not provided by the flip-phone shown in Figure 8 of US 6,073,034.

The above features of this invention improve the usability of the wireless communication device in general and, more particularly, in a situation in which it is desired to use the device with one hand. This is a stated object of the invention. It should further be noted that the ease with which the cover part may be moved from the first limit position to the second limit position is improved, if the cover part does not cover the entire front panel of the wireless communication device in the first limit position. Referring to Figure 4a of the present application, it can be seen that when the cover part of the wireless communication device according to the invention is in the first limit position and the user holds the device in the palm of one hand, the user's thumb is conveniently positioned with respect to cover part. The cover part may thus be slid or rotated (in the case of an implementation using a flip-type cover part) for example with a simple movement of the thumb, without unnecessary physical effort or concentration on the part

of the user. This is also a stated object of invention (see the description between page 4, line 33 to page 5, line 15).

Given the amendments made to the claim language in order to better reflect the novel and inventive features of the present invention and the technical advantages provided by these features with respect to the flip-phone disclosed by US 6.073,034, the Applicant is of the opinion that the application should now be in condition for allowance.

The Issue of Anticipation

It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221).

> **"...it must be shown that the reference contains all of the elements of the claims apart from irrelevant or merely extraneous variations, and the elements are arranged in the same way to achieve the same result which is asserted to be an inventive function..." 454 U.S. 1129 (1981)**

The elements of the claim and their function and purpose within the claim must be reviewed in a manner similar to an infringement analysis. If the device described in the cited reference would not infringe if it was later, it will not anticipate if the reference is earlier.

Applying this standard to the teaching of the cited reference Jacobsen, et al, it is observed that key elements of amended claim 1 are missing, namely:

"means for performing key functions comprising a first part and a second part, said first part of said means for performing key functions being for performing at least functions associated with number keys;"

and

"a cover part arranged to be movable between a first limit position and a second limit position, in which first limit position at least the first part of said means for performing key functions is covered by the cover part and the display field of the display remains uncovered by the cover part, and in which second limit position both the first part and the second part of said means for performing key functions and the display field of the display are uncovered by the cover part;"

It is clear, therefore that the device of Jacobsen would not infringe claim 1 if it was later. Accordingly this reference cannot support the rejection based on anticipation.

Since claim 1 is the only independent claim and all remaining claims under consideration are dependent on it, the above arguments also apply to each of the dependent claims.

SUMMARY

In view of the amendments to this application and the arguments stated above, Applicant submits that the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested.

A check in the amount of $400.00 is enclosed for a two month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Geza C. Ziegler, Reg. No. 44,004 — 11-25-02 Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
203-259-1800
Customer No.: 2512

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Date: 11/25/02 Signature: Elaine F. Mann
Person Making Deposit

Appendix A to Response in Application No.: 09/733,146

Amendment to the Claims

1. (Amended) A wireless communication device [(1) comprising at least] comprising:

- [A] a display [means (2)] having a display field for presenting information [, said display means having at least a first edge (2a) and a second edge (2b), wherein information is arranged to be displayed between said first (2a) and second edges (2b) of the display means, and said first edge (2a) is situated above displayed information and said second edge (2b) is situated below displayed information when information is displayed on said display means (2) in a position natural to a user of the wireless communication device,];
- means [(3)] for performing key functions [having at least means (10) for selecting a phone number,] comprising a first part and a second part, said first part of said means for performing key functions being for performing at least functions associated with number keys;
- an electro-acoustic transducer;
- a housing[(6)] comprising at least a first end[(6d)], a second end[(6e)], and a front panel[(6a)] located between the first[end (6d)] and[the] second ends[(6e), and], said display and said means for performing key functions being situated in connection with said front panel;
- a cover part[(7)] attached to said housing arranged for movement between a first limit position and a second limit position, in which first limit position at least the first part of said means[(3)] for performing key functions [are at least partly] is covered by the cover part[(7),] and the display field of the display remains uncovered by the cover

part, and in which second limit position both the first part and the second [at least]part of said means[(3)] for performing key functions and the display field of the display are[not] uncovered by the cover part[(7),];

[characterized in that said first edge (2a) of the display means is nearer the second end (6e) of the housing (6) than said second edge (2b) of the display means, and that said means (10) for selecting a phone number are placed in the housing of the wireless communication device so that they are nearer the second end (6e) of the housing than the first end (6d) of the housing.]

- said display, said means for performing key functions and said electro-acoustic transducer being located in the wireless communication device with respect to each other such that the display is nearer the first end of the housing than said means for performing key functions and said electro-acoustic transducer, and that said first and said second parts of said means for performing key functions are located such that the second part of said means for performing key functions is nearer the first end of the housing than the first part of said means for performing key functions.

Cancel claims 2 and 3.

4. (Twice Amended) [The] A wireless communication device[(1)] according to claim 1,[said communication device (1) comprising an electroacoustic transducer (4), **characterized** in that] wherein the [electroacoustic]electro-acoustic transducer[(4)] is[placed] located in connection with said cover part.

5. (Twice Amended) [The] A wireless communication device[(1)] according to claim 1, [**characterized** in that it comprises] comprising an [acoustoelectric]acousto-electric transducer (5)[, which is placed close to said first end (6d) of the housing where said display means (2) is placed].

6. (Twice Amended) [The] A wireless communication device[(1)] according to[any of] claim 1, [**characterized** in that] wherein said cover part[(7)] is arranged to be slideable between the first limit position and the second limit position.

Cancel claim 7 - 9.

10. (Twice Amended) [The] A wireless communication device[(1)] according to claim[8] 1, [**characterized** in that] wherein in the first limit position said cover part[(7)] is arranged to cover said first [group (10) of keys] part of said means for performing key functions and at least[one key] part of said second [group (11) of keys] part of said means for performing key functions remains uncovered[in the first limit position of the cover part (7)].

11. (Twice Amended) [The] A wireless communication device[(1)] according to claim 1, [**characterized** in that it comprises] comprising means[(8)] for detecting the position of the cover part and for providing information about the position of the cover part.

12. (Amended) [The] A wireless communication device[(1)] according to claim 11, [**characterized** in that it comprises] comprising means[(14)] for using the information regarding

the position of the cover part provided by said means for detecting the position of the cover part in answering a call.

13. (Twice Amended) [The] A wireless communication device[(1)] according to claim 11, [characterized in that it comprises] comprising means[(14)] for using the information regarding the position of the cover part provided by said means for detecting the position of the cover part in terminating a call.

14. (Twice Amended) [The] A wireless communication device[(1)] according to claim 1, [characterized in that] wherein said means[(3)] for performing key functions comprise a touch-sensitive screen[(16)].

15. (Amended) [The] A wireless communication device[(1)] according to[the] claim 14, [characterized in that] wherein said touch-sensitive screen[(16)] is combined with said display[means (2)].

16. (Amended) [The] A wireless communication device[(1)] according to claim 14, [characterized in that] wherein said touch-sensitive screen[(16)] and said display[means (2)] are[at least] partly overlapping.